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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/768,673	01/24/2001	Michael Kramer	13768.154	3903
22913	7590	06/28/2004	EXAMINER	
WORKMAN NYDEGGER (F/K/A WORKMAN NYDEGGER & SEELEY) 60 EAST SOUTH TEMPLE 1000 EAGLE GATE TOWER SALT LAKE CITY, UT 84111			FIELDS, COURTNEY D	
			ART UNIT	PAPER NUMBER
			2137	
DATE MAILED: 06/28/2004				

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Please find below and/or attached an Office communication concerning this application or proceeding.

SK

Office Action Summary	Application No.	Applicant(s)
	09/768,673	KRAMER ET AL.
	Examiner	Art Unit
	Courtney D. Fields	2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-26 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some *
 - c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4,5</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-6,8-16, and 18-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Subramaniam et al. (U.S. Patent No. 6, 081, 900).

Referring to the rejection of claims 1,12, and 20, Subramaniam et al. discloses a network environment that includes a public network such as the Internet and a private corporate network contained in the public network, the public network including a client external to the private corporate network, a method of a communications device of the external client establishing a secure connection over a public network to the private corporate network without restricting the communications device to working through the private corporate network, comprising a specific act of the external client establishing a

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connection with the private corporate network over the public network using the communication device in Column 3, lines 11-25, Column 4, lines 65-67, Column 5, lines 1-7, 38-57 and Figure 1, a specific act of the external client providing security to the connection in Column 7, lines 8-11, 25-35, Column 8, lines 13-23, a specific act of the external client maintaining a session that uses the secure connection to communicate with the private corporate network in Column 11, lines 40-48, and during at least a portion of the specific act of the external client maintaining a session that uses the secure connection, a specific act of the communication device retaining the ability to establish a separate and distinct connection with another resource outside of the private corporate network in Column 9, lines 18-31.

As per claim 2, Subramaniam et al. discloses the claimed limitation wherein during at least a portion of the specific act of the external client maintaining a session that uses the secure connection, a specific act of establish a connection with another resource outside of the private corporate network in Column 6, lines 25-38.

As per claims 3,14, and 24, Subramaniam et al. discloses the claimed limitation wherein the specific act of the external client establishing a connection with the private corporate network comprises a specific act of using Transmission Control Protocol (TCP) to establish a connection with the private corporate network in Column 7, lines 30-35.

As per claims 4,6,15,16 and 25, Subramaniam et al. discloses the claimed limitation wherein a specific act of the external client using a Secure Socket Layer (SSL) protocol to provide security to the connection in Column 7, lines 27-30.

As per claims 5 and 18, Subramaniam et al. discloses the claimed limitation wherein a specific act of implementing a security protocol that resides at or above a socket layer in the protocol stack used to communicate date from the external client to the private corporate network in Column 3, lines 19-25, Column 5, lines 5-7.

As per claims 8 and 23, Subramaniam et al. discloses the claimed limitation wherein the specific act of the external client establishing a connection with the private corporate network comprises a specific act of the external client establishing a connection with a Virtual Privacy Network (VPN) access server in the private corporate network in Column 5, lines 1-7, 21-27.

As per claim 9, Subramaniam et al. discloses the claimed limitation wherein the VPN access server is implemented on the same server machine as a proxy sever that serves the private corporate network in Column 5, lines 38-57, Column 6, lines 64-67, Column 7, line 1.

As per claim 10, Subramaniam et al. discloses the claimed limitation wherein the VPN access server is implemented on a different server machine than a proxy server that serves the private corporate network in Column 5, lines 28-30.

As per claims 11 and 21, Subramaniam et al. discloses the claimed limitation wherein the public network comprises portions of the Internet in Column 5, lines 1-5.

As per claim 13, Subramaniam et al. discloses the claimed limitation wherein the computer-readable media comprises a tangible computer readable medium in Column 6, lines 10-24.

As per claims 19 and 22, Subramaniam et al. discloses a network environment that includes a public network such as the Internet and a private corporate network contained in the public network, the public network including a client external to the private corporate network, a method of a communications device of the external client establishing a secure connection over a public network to the private corporate network without restricting the communications device to working through the private corporate network, comprising a step for securely connecting to the private corporate network while retaining the ability to establish a separate and distinct connection with a resource outside of the private corporate network in Column 7, lines 8-11, Column 9, lines 18-31 and during at least a portion of the specific act of the external client maintaining a session that uses the secure connection, a specific act of establish a connection with another resource outside of the private corporate network in Column 6, lines 25-38.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7,17, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Subramaniam et al. in view of En, Laurence Lee Min, "Wireless Application Protocol Wireless Transport Layer Security" (WAP WTLS), Wireless Application Forum, Apr. 30, 1998. As per claims 1-6,8-16, and 18-25, Subramaniam et al. discloses the invention as substantially claimed. However, Subramaniam et al. does not explicitly

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disclose the feature of using a Wireless Transport Layer Security to provide security to a connection. As per claims 7,17, and 26, En discloses the claimed limitation wherein the specific act of the external client using a Wireless Transport Layer Security (WTLS) to provide security to the connection as shown on pages 6-7, see Section 3.2. Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Subramaniam et al.'s secure intranet access by combining En's wireless application protocol architecture. En provides secure connections and transactions essential for e-commerce or banking services over mobile devices. (See En, Laurence Lee Min, "Wireless Application Protocol Wireless Transport Layer Security" (WAP WTLS), page 4)

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Xu et al. (U.S. Patent No. 6,151,628) discloses a network access method including direct wireless to Internet access.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Courtney D. Fields whose telephone number is 703-305-8293. The examiner can normally be reached on Mon - Thu 7:00 - 5:00 pm; off every Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on 703-308-4789. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CDF
cdf
June 21, 2004

Matthew P. Smithers
MATTHEW SMITHERS
PRIMARY EXAMINER
Art Unit 2137